

Third District Court of Appeal

State of Florida

Opinion filed November 13, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1638
Lower Tribunal No. 18-23137

Suzanne Dewitt,
Petitioner,

vs.

Agorive NV, etc., et al.,
Respondents.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Beatrice Butchko, Judge.

Kozyak Tropin & Throckmorton LLP, and Dyanne E. Feinberg, Gail A. McQuilkin, and John I. Criste, Jr., for petitioner.

Damian & Valori LLP, and Melissa D. Visconti and Peter F. Valori, for respondents.

Before EMAS, C.J., and FERNANDEZ and MILLER, JJ.

PER CURIAM.

Petition denied. See §768.72, Fla. Stat. (2019); Cat Cay Yacht Club, Inc. v. Diaz, 264 So. 3d 1071, 1074 (Fla. 3d DCA 2019) (noting that in order to obtain certiorari relief from an order granting a motion to amend complaint to assert a claim for punitive damages, “the petitioners must establish that the trial court departed from the essential requirements of law, causing material injury to the petitioners for which there is no adequate remedy on appeal” and recognizing that the appellate court’s review is limited to whether the trial court “‘has conformed with the procedural requirements of section 768.72’ but the scope of review is ‘not so broad as to encompass review of the sufficiency of the evidence considered in that inquiry’” (quoting Globe Newspaper Co. v. King, 658 So. 2d 518, 519 (Fla. 1995))); Levin v. Pritchard, 258 So. 3d 545, 547 (Fla. 3d DCA 2018) (same and noting “certiorari relief is only appropriate ‘when the record establishes that a trial court applied the wrong law; certiorari relief is not available to remedy an incorrect application of the correct law’” (quoting TRG Desert Inn Venture, Ltd. v. Berezovsky, 194 So. 3d 516, 519 (Fla. 3d DCA 2016))); Robins v. Columbo, 253 So. 3d 94, 96 (Fla. 3d DCA 2018) (holding “this court is not permitted to reweigh a trial court’s finding of a sufficient evidentiary basis for a punitive damages claim, and ‘such a finding could not be disturbed, or even evaluated on certiorari review.’” (quoting Espirito Santo Bank v. Rego, 990 So. 2d 1088, 1091 (Fla. 3d DCA 2007))).